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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,548

09/29/2003

Akira Murakawa

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EXAMINER

GEE, JASON KAI YIN

ART UNIT

PAPER NUMBER

2434

NOTIFICATION DATE

DELIVERY MODE

08/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/671,548	Applicant(s) MURAKAWA, AKIRA	
	Examiner JASON K. GEE	Art Unit 2434	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-12, 17-20, 22-24, and 28-33.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Michael J Simitoski/
 Primary Examiner, Art Unit 2439

/Jason K Gee/
 Examiner, Art Unit 2434

Continuation of 11. does NOT place the application in condition for allowance because: In regards to the 112 rejection about the computer readable medium, these rejections will be withdrawn.

In regards to the 112 rejection regarding claim 32 about functioning as a printer, these arguments are not persuasive. Instead of merely citing the medium having the ability to print or the medium being a printer, the applicants use the language "functioning as a printer." It is unclear what the applicants are really trying to limit the claims to here. A printer can function for many different purposes other than printing.

The regards to the 103 rejections, the applicants argue that the references do not teach signing the second certificate with the private key used to sign the root certificate. However, this is taught throughout the reference and explained in the office action. As shown in Benussi, in paragraph 214, digital certificates are signed with private keys. The digital signing of a certificate with a private key allows anyone with the public key of the certificate authority to confirm that the certificate is genuine. As seen in paragraph 25 of Smetters, the laptop (12(1)) generates a root key pair or uses an existing root key pair, and generates a root certificate, which is digitally signed by the root private key. In paragraph 31, the laptop 12(1) creates a second laptop certificate, which, is the same as the root certificate. Again, in order to create a certificate, it must be signed with a private key. The laptop 12(1) uses the same key to generate a second certificate. The applicants are arguing that Smetters does not teach sending a private key, but this is unnecessary as the laptop 12(1) is the one creating both the certificates. Further, sending private keys are contrary to the principles of cryptography. Also, as indicated in paragraph 25 of Smetters, the laptop 12(1) can generate root certificates using preexisting root key pairs. As indicated in paragraph 31, the second certificate is the same as the root certificate, except as described herein. The exceptions are taught in paragraph 32 and 33, wherein the laptop 12(2) specifically indicates that it wishes to use a particular key. The applicants point how this differs than the recited art. However, paragraphs 25 and 31 teaches all the limitations, and the exceptions do not have to be reached in paragraphs 32 and 33 because the second laptop does not need to request a particular key if it does not wish to do so. Thus, the same private key is being used.